

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JASON KINZER,

Plaintiff,

vs.

ALLEGIANT AIR, LLC, a Nevada limited
liability company; and ALLEGIANT
TRAVEL CO. a Nevada corporation,

Defendants.

Case No. 2:15-CV-2306-JAD-PAL

ORDER

This matter is before the Court on Defendant's Request for Exception From Attendance at Early Neutral Evaluation (#22), filed on February 8, 2016. Plaintiff filed a Response (#26) on February 16, 2016.

Defendant requests the Court excuse its' insurance carrier from attending the Early Neutral Evaluation scheduled for February 25, 2016. To support this request, Defendant asserts that it is self-insured and its anticipated resolution of this matter will be funded by Defendant. Further, Defendant represents that its' insurance carrier is located out of state and could be made available by telephone. *Request* (#22). Plaintiff objects to Defendant's request and argues that Defendant's self-insured retention is insufficient because the claims asserted in this matter place into controversy sums that exceed the self-insured amount. *Response* (#26). However, Plaintiff agrees that Defendant's insurance carrier may appear telephonically. Accordingly,

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1 **IT IS HEREBY ORDERED** that Defendant's Request for Exception From Attendance at
2 Early Neutral Evaluation (#22) is **granted**, in part as follows: Defendant's insurance carrier is not
3 required to physically appear at the February 25, 2016 Early Neutral Evaluation but must be made
4 available telephonically.

5 DATED this 17th day of February, 2016.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge_